

KANSAS AGRICULTURAL WATER POLLUTION CONTROL PERMIT

Pursuant to the Provisions of Kansas Statutes Annotated 65-164 and 65-165,

Owner: ESE Alcohol, Inc.  
Owner's Address: P.O. Box 848  
Leoti, Kansas 67861-0848  
Facility Name: ESE Alcohol, Inc.  
Facility Location: 310 East Highway 96  
Leoti, Kansas 67861  
(1½ mile east of Leoti on K-96)  
Legal Description: SW¼ of Section 17, Township 18 S, Range 36 W, Wichita County,  
Kansas Latitude: 38.4847 Longitude: -101.3289

is authorized to operate the facility described herein in accordance with the attached applicable conditions of "Standard Conditions for Non-Overflowing Wastewater Treatment Facilities", dated May 1, 1996 and the Monitoring and Supplemental Conditions listed below. Discharge of waste water from this facility to surface waters of the State of Kansas is prohibited by this permit.


This permit is effective January 1, 2018, supersedes previously issued Kansas Water Pollution Control Permit No. I-UA26-NP01 and expires November 30, 2021.

FACILITY DESCRIPTION:

This facility ferments treated seed grain to produce denatured ethanol for fuel use. Mash solids, facility wash water, trailer wash water, boiler blowdown and water softener regenerate are directed to one of six earthen settling basins. Each of the six basins goes through a fill/settling/decanting/drying/solids removal cycle. After the mash solids have settled, mash water is decanted into the west irrigation cell (formerly the cooling water holding pond) for irrigation storage. Solids are periodically removed from the settling basins and either directly applied to farm land for agricultural benefits or stored at a central stockpile location prior to land application. A centrifuge is used for mash dewatering with the centrate discharged to one of the six mash water settling basins and the separated solids stored at a central stockpile location prior to land application.

Cooling tower blowdown, boiler blowdown, water softener reject and waste recharge flows, reverse osmosis concentrate and cleaning flows, facility wash down and seed trailer wash may be directed to the City of Leoti waste water treatment plant or can be directed to the six earthen settling basins and subsequently to the irrigation holding ponds for recycle or irrigation. Irrigation water is drawn from the west irrigation cell. Five sites located north, east and south of the ethanol plant are irrigated from the west irrigation cell. The facility's design capacity is 1,000,000 bushels of seed grain per year. Source of water supply is groundwater from onsite water wells.

The facility also includes an East Irrigation Cell which is currently idle. See Permit Supplemental Condition No. 10 for re-activation requirements.

  
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Secretary, Kansas Department of Health and Environment

December 14, 2017  
Date

## A. MONITORING REQUIREMENTS

## 1. Groundwater Monitoring:

Groundwater monitoring wells identified below shall be monitored semi-annually in March and September. Monitoring reports shall be submitted by the 28<sup>th</sup> day of April and October. Monitoring wells will be sampled in accordance with approved procedures to insure the samples are representative of the aquifer quality. The water level in each monitoring well shall be measured and recorded prior to sampling. The groundwater samples shall be analyzed for the parameters listed below:

## Groundwater Monitoring Wells:

	<u>Well No.</u>	<u>Longitude</u>	<u>Latitude</u>	<u>Location</u>
a.	GMW1	N 1986756.17,	E 502124.67;	northwest of settling basin No. 1
b.	GMW2	N 1985842.59,	E 502939.32;	southeast of mash water pond
c.	GMW3	N 1986589.58,	E 503231.27;	east of settling basin No. 6
d.	GMW4	N 1986566.95,	E 504454.65;	east of the settling basins
e.	GMW5	N 1986374.07,	E 503231.27;	southeast of settling basin No. 6
f.	GMW7	N 1985457.47,	E 504392.71;	southeast corner of property
g.	GWM8	N 1985970.97,	E 504435.26;	center east side of property
h.	WW1	N 1985610.87,	E 502499.69;	southwest of the ethanol plant; aka ESE Domestic Well or W3
i.	WW2	N 1985312.11,	E 502959.11;	southeast of the ethanol plant; aka the ESE East Well or W1
j.	WW3	N 1985428.72,	E 504511.02;	east of the ethanol plant; aka the Jim Green Domestic Well

<u>Parameter</u>	<u>Quantitative Level*</u>
Arsenic, total and filtered	10 µg/l
Lead, filtered	5 µg/l
Nickel, filtered	10 µg/l
Selenium, filtered	5 µg/l
Zinc, filtered	20 µg/l
Barium, filtered	10 ug/l
Iron as Fe, Total and filtered	50 ug/l
Total Manganese as Mn	5 ug/l
Aluminum, total	75 ug/l
Chloride as Cl	10 mg/l
Sodium as Na	0.5 mg/l
Sulfate as SO <sub>4</sub>	1.0 mg/l
Sulfide as S	1.0 mg/l
Nitrate-Nitrogen as N	1.0 mg/l
Total Phosphorus as P	0.1 mg/l
Dissolved Organic Carbon As C	1.0 mg/l
Electrical Conductivity	---- mmhos
pH	0.01 s.u.
Static Water Elevation	- Feet

\* The quantitative levels indicated are laboratory goals and may not always be attainable due to sample dilutions and other necessary procedures. Explanations for non-detection levels above the quantitative levels indicated must indicate that other lower quantitative level testing procedures were not available.

**A. MONITORING REQUIREMENTS** (continued)**2. Settling Basin Influent Water Monitoring:**

The permittee shall obtain a representative grab sample of the influent to the settling basins Semi-annually in March and September, and have a filtered sample analyzed for the parameters listed below. Monitoring reports shall be submitted on or before the 28<sup>th</sup> day of April and October for the previous 6-month period..

<u>Parameter</u>	<u>Quantitative Level*</u>	
Arsenic	10	ug/l
Chloride	10	mg/l
Sodium	0.5	mg/l
Sulfate	1.0	mg/l
Ammonium-Nitrogen	0.1	mg/l
Nitrate-Nitrogen	0.1	mg/l
Total Kjeldahl Nitrogen - TKN	1.0	mg/l
pH	0.01	s.u.
Total Phosphorus	0.1	mg/l
Dissolved Organic Carbon as C	1.0	mg/l
Electrical Conductivity	----	mmhos

3. Land Application Plan and Annual Report:  
See supplemental condition No. 7.

By April 28<sup>th</sup> of each year

**B. STANDARD CONDITIONS**

In addition to the specified conditions stated herein, the permittee shall comply with the attached Standard Conditions dated May 1, 1996.

**C. SCHEDULE OF COMPLIANCE**

None.

**D. SUPPLEMENTAL CONDITIONS:****1. Irrigation Holding Cells and Settling Basin Requirements**

- a. A minimum of three feet of freeboard and a minimum of 2 feet of liquid depth shall be maintained in the irrigation cells.
- b. The permittee shall notify KDHE, in writing in advance when known, of a substantial increase in the production rate beyond that specified in the Facility Description of this permit or any significant change in the character of the facility process water, wastewater sent to the irrigation holding cells, cooling water, mash water and/or solids. The notification shall indicate any changes in irrigation practices; or land application of solids; or in the land application of cooling water, mash water and/or solids necessary to achieve compliance with any conditions or requirements specified in this permit. Such changes are subject to approval by KDHE.
- c. All vegetation on the inside/outside dikes and at the waters edge and surrounding the East and West Irrigation Cells, and the settling basins shall be properly maintained by regular mowing of the grass.

**D. SUPPLEMENTAL CONDITIONS** (continued)

- d. The irrigation cells, and the settling basins shall be managed to prevent objectionable off-site odors and nuisance conditions.
- e. If the irrigation cells have been allowed to dry out, the cell(s) liner will need to be rehabilitated or a new liner constructed. Permittee shall contact KDHE prior to cell liner reconstruction/rehabilitation activities. The design of the resealing activities shall be developed by a Kansas Professional Engineer in conformance with pond/lagoon liner regulations KAR 28-16-160 et seq. and submitted to KDHE for approval. The construction inspection of the relining shall be under the supervision of a Kansas Professional Engineer.
- f. The permittee shall maintain the clay seal within the settling basins. Permittee shall inspect the settling basin clay liner each time mash solids are removed from a basin, correct problems and add bentonite or selected clay soils as necessary to maintain liner integrity. Inspection reports shall be made available for KDHE review upon request.

**2. General Land Application Requirements**

- a. Land application of irrigation water and mash solids is authorized for beneficial use on agricultural farmland. The irrigation water and mash solids are to be land applied for use as a fertilizer or soil amendment for improved crop production. Application rates plus any supplemental fertilization shall not exceed the agronomic rates for the crop being grown.
- b. The permittee shall not draw irrigation water directly from the settling basins.
- c. The irrigation water and mash solids shall not be applied to crops produced for direct human consumption. Irrigation water and mash solids may be applied to crops used for feed grains or forage.
- d. Land application of irrigation water and mash solids shall not result in off-site runoff. Irrigation water and mash solids shall not be land applied on saturated, frozen, or snow covered ground.
- e. Land application of irrigation water and mash solids shall be conducted in a manner to prevent soil, crop or groundwater contamination.
- f. The irrigation water and mash solids shall be distributed uniformly over the application site.
- g. Irrigation water shall not be applied in such a manner or location as to create nuisance conditions (odors, flies, etc.) at any neighboring residence, or within 200 feet from any well or stream. Mash solids shall not be applied in such a manner or location as to create nuisance conditions (odors, flies, etc.) at any neighboring residence, or within 200 feet from any stream or within 100 feet from any well.

**D. SUPPLEMENTAL CONDITIONS** (Continued)

- h. Permittee shall obtain KDHE written approval to apply irrigation water and mash solids onto any site which is subject to flooding more frequently than once in 10 years.
- i. The permittee shall follow the KDHE approved Land Application Plan for land application of irrigation water and mash solids. Application rates shall not exceed the agronomical loadings for plant nutrient needs for the crops being grown on the agricultural farmland unless approved by KDHE.
- j. Phosphorus as "P" using the Bray P-1 or Mehlich 3 analysis method shall be limited to 200 mg/kg in the top 6 inches of soil if the slope of the land application site is less than 5%. If the slope of the land application site is greater the 5%, the maximum phosphorus as "P" soil concentration using the Bray P-1 or Mehlich 3 analysis method shall be 150 mg/kg.

**3. Land Irrigation Water Monitoring Requirements**

- a. If land application of water from the irrigation cells has occurred or will occur during the calendar year, representative grab samples of the water used for land application from the irrigation cells shall be taken prior to the annual irrigation season and each analyzed, at a minimum, for the following parameters:

<u>Parameter</u>	<u>Quantitative Level*</u>
Chloride (mg/l)	5.0
Sodium (mg/l)	0.5
Sulfate (mg/l)	1.0
Ammonium-Nitrogen (mg/l)	0.1
Nitrate-Nitrogen (mg/l)	0.1
Total Phosphorus (mg/l)	0.1
Total Kjeldahl Nitrogen - TKN (mg/l)	1.0
Total Potassium (mg/l)	1.0
pH (standard units)	0.01
Total Calcium (mg/l)	0.5
Total Magnesium (mg/l)	0.5
Hardness (mg/l)	5.0
Alkalinity (mg/l as CaCO <sub>3</sub> )	5.0
Electrical Conductivity (mmhos/cm)	0.5
Total Dissolved Solids - TDS (mg/l)	5.0
Sodium Adsorption Ratio	----
Dissolved Organic Carbon as C (mg/l)	1.0

\* See previous asterisk footnote

- b. The quantity (gallons) of water from each pond which is irrigated shall be monitored and recorded on a weekly basis. If no irrigation occurs during a week, this shall be noted on the monitoring report. The total pounds applied per acre for total nitrogen, phosphorus and potassium shall be calculated for each irrigation site. These monitoring records shall be submitted annually as part of the Land Application Plan/Annual Report.

D. **SUPPLEMENTAL CONDITIONS** (Continued)

4. **Mash Solids Land Application Requirements**

If land application of mash solids is utilized, the permittee shall adhere to the requirements indicated for General Land Application Requirements and Mash Solids Land Application Site Monitoring Requirements.

- a. Mash solids shall be stored at the single central stockpile location in a manner to prevent nuisance conditions and odors.
- b. Mash solids shall not be stockpiled at any land application site but may be stockpiled at an off-site location.
- c. Mash solids shall be subsurface injected or incorporated into the soil within 24 hours after land application except on fields using no-till methods of farming, incorporation is not required.
- d. Mash solids shall not be land applied on saturated, frozen, or snow covered ground.
- e. Mash solids shall be evenly applied across each application site using equipment designed to evenly apply solids across a field, such as a manure spreader.
- f. Off-site stockpiles shall not be located in areas subject to runoff, within 100 feet of a stream, 100 feet from any water wells, and 500 feet from any residence, unless waived by the resident. Stormwater controls shall be provided as needed. The annual report shall identify the offsite stockpile locations.

5. **Mash Solids Land Application Site Monitoring Requirements**

If land application of mash solids is utilized, the permittee shall follow these procedures:

- a. Provide to KDHE a map showing the location of the land application site(s), number of acres available for land application, the number of acres the mash solids were applied on and a map of each site using a USGS Topo scale showing area applied, property lines, and location of residences and any water wells within 500 feet of the land application site(s). If any of the land application sites are less than 500 feet from any residence, waivers must be obtained from the owners to allow land application on the site.
- b. Agronomic Application: The permittee shall land apply mash solids at a rate no greater than the agronomic rate as calculated using the information required below.

The permittee shall submit the following information as part of the Land Application Annual Report: Samples must be tested at a laboratory skilled in the testing of soil samples for agronomic purposes and interpretation of soil sample test results. Permittee should consult the county extension office for guidance on sampling, testing and suitable laboratories. These laboratories need not be KDHE-certified for these tests.

**D. SUPPLEMENTAL CONDITIONS (Continued)**

- (1) Representative sample(s) of the mash solids shall be analyzed for the specified parameters to determine the application rates. The mash solids to be land applied shall be analyzed annually, at a minimum, for the following parameters:

Percent solids

Total Kjeldahl Nitrogen (mg/kg and total lbs applied)

Ammonium-Nitrogen (mg/kg and total lbs applied)

Nitrate-Nitrogen (mg/kg and total lbs applied)

Total Nitrogen (mg/kg as N; Calculate as TKN + NO<sub>3</sub>)

Total Phosphorus as P (mg/kg and total lbs applied)

Phosphate as P<sub>2</sub>O<sub>5</sub> (lb/ton and total lbs applied)

Total Potassium as K (mg/kg and total lbs applied)

Potash as K<sub>2</sub>O (lb/ton and total lbs applied)

Chloride (mg/kg)

Electrical Conductivity(mmhos)

Sodium (mg/kg and total lbs applied)

Sulfate (mg/kg and total lbs applied)

pH (standard units)

- (2) A calculation of the amount of mash solids proposed to be land applied based on the estimated volume of mash solids and percent solids, the amount of nitrogen available from the mash solids land applied in that first year, the maximum Melich-3 or Bray P-1 phosphorus concentrations indicated in supplemental condition No. 2, the soil monitoring data from supplemental condition No. 4 collected prior to land application of the mash solids, the crops to be grown, and the needs of the proposed crops.
- c. The mash solids monitoring data from paragraph 6(b) above; and the soil monitoring data from supplemental condition No. 4 shall be submitted annually to the Department as part of the Land Application Annual Report.

**6. Land Application Soil Monitoring Requirements**

Prior to land application of irrigation water and/or the land application of mash solids:

- a. Composite soil samples shall be analyzed annually prior to application of irrigation water onto each land application site that is expected to be used in the upcoming growing season and for the sites that were used for land application of irrigation water in the previous year.
- b. Composite samples shall be analyzed annually from at least 20% or five sites, whichever is greater, of the mash solids application sites expected to be used in the upcoming growing season prior to land application of mash solids, and at the end of the growing season. If the same mash solids land application site is used in successive years, the post-growing season sample will represent the pre-application sample for the subsequent year. Selection of fields for mash solids application soil monitoring should consider presenting a representative perspective of the mash solids application program, including field characteristics (soil type, irrigated versus dry land farmed ground, etc.), cropping practices, and various crops grown (wheat, grain sorghum, versus corn). The rationale for field selection should be presented in the Land Application Annual Report.

D. **SUPPLEMENTAL CONDITIONS** (Continued)

- c. At least ten - 6 inch deep core samples shall be taken from each irrigation land application site established (on the East, West and South fields via gated pipe and/or on the two center pivot systems in the West Half of 20-18-36) and from each 120 acres or less of each mash solids land application site for which sampling is required in accordance with section D.6.b. Composite all cores from each sampling grid site into one sample. From the same core holes, take a second sample (6 inch to 24 inch deep or as deep as you can go but not more than 24 inches) and composite these cores into one sample.
- d. Samples must be tested at a laboratory skilled in the testing of soil samples for agronomic purposes and interpretation of soil sample test results. Permittee should consult the county extension office for guidance on sampling, testing and suitable laboratories. These laboratories need not be KDHE-certified for these tests.
- e. The top core composite sample shall be analyzed, at a minimum, for the following parameters:
  - pH (standard units)
  - Exchangeable Ammonium as Nitrogen (ppm and lb/acre)
  - Nitrate-Nitrogen (ppm and lb/acre)
  - Melich-3 or Bray P-1 Extractable Phosphorus (ppm and lb/acre)
  - Extractable Potassium (ppm and lb/acre)
  - Extractable Sodium as Percent of Cations (%)
  - Electrical Conductivity (mmhos)
- f. The bottom core composite sample shall be analyzed, at a minimum, for nitrate-nitrogen (ppm and lb/acre).

7. **Land Application Plan and Annual Report**

- a. The permittee shall continue to implement the KDHE approved Land Application Plan. Annual Reports also shall address any changes in the Land Application Plan and discuss sample results of all required monitoring data. Based on monitoring data, adjustment of application rates may be required to prevent crop or soil damage, groundwater, stormwater or surface water contamination or nuisance conditions.
- b. The Land Application Plan and Annual Report including the Irrigation water, mash solids and application site soil analytical results shall be submitted by April 28<sup>th</sup> of each year for the previous calendar year to KDHE.

**If no irrigation or land application of mash solids occurs during a calendar year, no sampling or testing of the irrigation water, mash solids or application site soils are required. The annual report is still required and is to indicate "no irrigation or land application of mash solids conducted during the calendar year" as applicable on the monitoring report.**

The report shall address, at a minimum, the following:

- (1) Any changes in the land application procedures/rates based on results of the monitoring data;



**D. SUPPLEMENTAL CONDITIONS** (Continued)

- (2) Rationale for selection of the mash solids land application sites for monitoring and any additions or deletions of land application sites; and
    - (3) As part of the Land Application Annual Report, the permittee shall maintain records of the quantity of irrigation water and mash solids applied to each land application site; the projected crops to be grown on the application sites, and the projected crop yields. The agronomic rates (lbs per parameter/acre) shall be calculated for the sites. This information shall include the date, application site and the type and quantity of irrigation water or mash solids land applied. This data shall be submitted annually to the Department as part of the Land Application Plan/Annual Report.
  - c. The Land Application Plan and Annual Report shall include a certificate of review by a person, acceptable to KDHE, who is knowledgeable through education and training in crop moisture and nutrient requirements i.e., crop science or agronomy. The land application review shall address the rate and quantities of irrigation water and mash solids applied; the application rate of nutrients from the irrigation water and mash solids, and other nutrient sources including commercial fertilizers; salinity issues; and presence or accumulation of other pollutants of concern such as sodium, boron, and metals. The land application review shall be based on the cropping practice that year and the measured land application site soil characteristics. The review and certification shall indicate whether the irrigation water and mash solids, and any commercial fertilizer added to the sites were applied in conformance with the requirements of this permit, agronomic application rates, and generally accepted agricultural practices. At land application sites where the requirements of this permit were violated, agronomic application rates were exceeded, or generally accepted agricultural practices were not followed, the review certification shall recommend appropriate corrective actions. The review also needs to address the irrigation and mash solids Land Application Plan for the upcoming calendar year. The permittee shall provide to KDHE the qualifications of the person conducting the annual land application review and certification unless provided in previous land application report submittals.
8. Permittee shall maintain a list of all pesticides that have been included in the raw products for the calendar year. Material Safety Data Sheets (MSDS) for the pesticides on the raw products received in the calendar year are to be retained on-site and provided to KDHE upon request.
  9. This permit does not authorize discharge of stormwater from industrial activities. Discharge of stormwater from industrial activities is authorized under the Stormwater Runoff Associated with Industrial Activity General Permit.
  10. Prior to use of the east irrigation cell, permittee shall submit to KDHE an approvable plan for cleaning out the east irrigation cell and reconstructing the cell clay liner. The plan shall include conducting a static seepage test, after reconstructing the liner on the east irrigation cell with a minimum of two feet of water, and submitting the results to KDHE – Bureau of Water.

D. **SUPPLEMENTAL CONDITIONS** (Continued)

If the seepage test for the east irrigation cell indicates a seepage rate in excess of 0.125 inches per day at maximum operating depth, the water shall be removed and bottom and sides of the basin's clay lining shall be thoroughly inspected for any damage and thickness of clay liner. Necessary repairs, including but not limited to installation of a synthetic liner, reconstruction of the clay liner, or addition of bentonite or selected clay soil shall be completed prior to putting the basin back in service. The basin shall then again be filled with at least two feet of water and retested to confirm a seepage rate not in excess of 0.125 inches per day at maximum operating depth. A plan to protect the inner sides of the east irrigation cell from loss of seal will be required prior to placing the basin back in service.

## STANDARD CONDITIONS FOR NON-OVERFLOWING WASTEWATER

## TREATMENT FACILITIES

1. Definitions:
  - A. The terms "Director", "Division", and "Department" refer to the Director, Division of Environment, Kansas Department of Health and Environment, respectively.
  - B. "Bypass" means any diversion of waste streams from any portion of a treatment plant or collection system.
  - C. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
2. Monitoring Requirements: If the water level in the lagoon rises to within two feet of the top of the lagoon dikes, the permittee must so notify the Division immediately.

Land application of wastewater and/or wastewater sludges from this facility is authorized by this permit only if it is specifically stated in the permit or prior authorization from the Division is obtained.

The municipal permittee shall promptly notify the Division by telephone upon discovering crude oil or any petroleum derivative in its collection system or wastewater treatment plant.
3. Schedule of Compliance: No later than 14 calendar days following each date identified in the "Schedule of Compliance," the permittee shall submit to the Division, either a report of progress or, in the case of specific action being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next schedule requirements, or, if there are no more scheduled requirements, when such noncompliance will be corrected.
4. Change in Operation: Any anticipated facility expansions, production increases, or process modifications which will result in new, different, or increased loadings, either hydraulic or pollutant, must be reported in writing to the Division at least 180 days before such change.
5. Facilities Operation: The permittee shall at all times maintain in good working order and efficiently and effectively operate all treatment, collection, control systems or facilities, to achieve compliance with the terms of this permit. The permittee shall take all necessary steps to minimize or prevent any adverse impact to waters of the State resulting from noncompliance with this permit. When necessary to maintain compliance with the permit conditions, the permittee shall halt or reduce those activities under its control which generate wastewater routed to this facility.
6. Immediate Reporting Required: Any diversion from, or bypass of facilities necessary to maintain compliance with the permit is prohibited, except: where no feasible alternatives to the bypass exist and 1) where necessary to prevent loss of human life, personal injury or severe property damage; or 2) where excessive stormwater inflow or infiltration would damage any facilities necessary to comply with this permit or 3) where the permittee notifies the Director seven days in advance of an anticipated bypass. The Director or Director's designee may approve a bypass, after considering its adverse effects, if any of the three conditions listed above are met. The permittee shall immediately notify the Division by telephone [(785) 296-5517 or the appropriate KDHE District Office] of each bypass and shall confirm the telephone notification with a letter explaining what caused this spill or bypass and what actions have been taken to prevent recurrence. Written notification shall be provided to the Director within five days of the permittee becoming aware of the bypass. The Director or Director's designee may waive the written report on a case-by-case basis.
7. Unless specified otherwise, all reports required by this permit, shall be submitted to: Kansas Department of Health & Environment, Bureau of Water-Technical Services Section, 1000 SW Jackson St., Suite 420, Topeka, KS 66612-1367.
8. Removed Substances: Solids, sludges, filter backwash, and other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner acceptable to the Division.

9. **Power Failures:** The permittee shall provide an alternative power source sufficient to operate the wastewater facilities or otherwise control pollution and all discharges upon the loss of the primary source of power to the wastewater facilities.
10. **Right of Entry:** The permittee shall allow authorized representatives of the Division upon the presentation of credentials, to enter upon the permittee's premises where the facility is located, or in which are located any records required to be kept by this permit, and at reasonable times, to have access to and copy any records required to be kept by this permit, to inspect any monitoring equipment or monitoring methods required in this permit, and to sample any influents to, discharges from, or materials in the wastewater facilities.
11. **Transfer of Ownership:** The permittee shall notify the succeeding owner or controlling person of the existence of this permit by certified letter, a copy of which shall be forwarded to the Division. The succeeding owner shall secure a new permit. The permit is not transferable to any person except after notice and approval by the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary.
12. **Availability of Records:** Except for data determined to be confidential, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. Knowingly making any false statement on any such report or tampering with equipment to falsify data may result in the imposition of criminal penalties as provided for in KSA 65-170c.
13. **Records Retention:** All records and information resulting from the monitoring activities required by this permit shall be retained for a minimum of 3 years, or longer if requested by the Division. The permittee shall also furnish upon request, copies of all records required to be kept by this permit.
14. **Test Procedures:** All analysis required by this permit shall conform to the requirements of 40 CFR Part 136 and shall be conducted in a laboratory certified by this Department.
15. **Permit Modifications and Terminations:** As provided by KAR 28-16-62, after notice and opportunity for a hearing, this permit may be modified, suspended or revoked or terminated in whole or in part during its term for cause as provided, but not limited to those set forth in KAR 28-16-62 and KAR 28-16-28b through f. The permittee shall furnish to the Director, within a reasonable amount of time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit.
16. **Operator Certification:** The permittee shall ensure that the wastewater facilities are under the supervision of an operator certified by the Department. If the permittee does not have a certified operator or loses its certified operator, the appropriate steps shall be taken to obtain a certified operator as required by KAR 28-16-30 et seq.
17. **Severability:** The provisions of this permit are severable. If any provision of this permit or any circumstance is held invalid, the application of such provision to other circumstances and the remainder of the permit shall not be affected thereby.
18. **Removal from Service:** The permittee shall inform the Division at least three months before a pumping station, treatment unit, or any other part of the treatment facility permitted by this permit is to be removed from service and shall make arrangements acceptable to the Division to decommission the facility or part of the facility being removed from service such that the public health and waters of the state are protected.
19. **Duty to Reapply:** A permit holder wishing to continue any activity regulated by this permit after the expiration date, must apply for a new permit at least 180 days prior to expiration of the permit.
20. **Property Rights:** The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights nor any infringements of or violation of federal, state or local laws or regulations.